

REMARKS

Claims 2, 3, 6-11 and 13 are cancelled herein without prejudice to their later prosecution in this or another application. Claims 12, 14-16, and 18-21 have previously been cancelled. Applicants reserve the right to prosecute any subject matter related thereto in future continuation or divisional applications. Claims 1, 4, 5 and 17 have been amended. New claims 22-30 have been added. Support for claims 22-28 can be found at least, for example, in original claims 1, 4 and 5. New claim 29 recites compounds that fall within the scope of claim 1. Support for new claim 29 can be found at least, for example, in paragraph [0159] of the published application. Since all of these inventions are reasonably conveyed by the specification, original claims, and previously presently claims, there is no issue of new matter.

Upon entry of this amendment, claims 1, 4, 5, 17 and 22-30 are pending.

Allowable Subject Matter

Applicants thank the Office for acknowledging the allowable subject matter of claim 4. Applicants further note that the Office has indicated that claim 4 is allowable if it is amended so that it does not depend on a rejected base claim. Claim 4 has been amended herein to be in independent form.

Rejections under 35 U.S.C. §112 1st Paragraph

Claims 1-3, 5-11, 13 and 17 are rejected under 35 U.S.C. §112 first paragraph as allegedly failing to comply with the written description requirement. Particularly the Office alleges that the specification only supports compounds where R₄ is hydrogen, alkyl, phenyl and pyridinyl; R₅ is alkyl; and R₆ is phenyl.

Without acquiescing to the basis of the Office's rejection and solely to expedite prosecution, Applicants note that claims 1 and 4 recite the definitions of R₄, R₅ and R₆ that the Office has indicated as being supported by the written description. As such, Applicants respectfully request the rejection be withdrawn.

Claims 1-3, 5-11, 13 and 17 are rejected under 35 U.S.C. §112 first paragraph as the specification, allegedly, is non-enabling for the full scope of the claims. Particularly,

the Office states that the specification is enabling only for compounds that are adequately described, e.g. those that satisfy the written description requirement.

Applicants again note that independent claims 1 and 4 include definitions of R₄, R₅ and R₆ that the Office has indicated as being supported. As such, Applicants respectfully request the rejection be withdrawn.

Rejection under 35 U.S.C. §112 2nd Paragraph

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically the Examiner states that the language may be interpreted as a mixture of pharmaceutically acceptable salts.

Applicants have amended the final phrase in claim 1 to read "or a pharmaceutically acceptable salt thereof." Applicants believe the Examiner's clarity objections have been addressed. Accordingly, Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

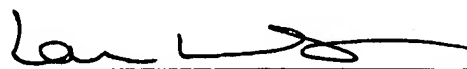
In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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